

Myth vs. Fact: the Help America Vote Act's Impact on Elections

The election reforms mandated by the Help America Vote Act (HAVA) are complex and sometimes misunderstood. This fact sheet will address common misconceptions about the law.

General Misconceptions About HAVA

Myth #1: HAVA gives the federal government control of federal elections in the states.

Fact: Congress was careful to leave intact the states' sovereignty over elections when it passed HAVA. The law expands the federal government's role in elections through mandates and standards, but lets the states decide how to implement requirements such as provisional ballots and voting equipment improvements.

Myth #2: HAVA gives the U.S. Election Assistance Commission (EAC) the authority to enforce its mandates.

Fact: HAVA created the EAC to serve as a national "clearinghouse" for election administration information and guidelines. The Commission has no authority to enforce HAVA's mandates, but rather may only issue guidance intended to help the states implement the law. The U.S. Department of Justice is responsible for enforcing HAVA.

Myth #3: Congress gave the states \$3.86 billion to pay for HAVA-mandated election reforms.

Fact: Congress authorized \$3.86 billion in federal election reform money for the states, but has still not appropriated \$800 million. The difference in funding will have a significant impact on the states: many of them report that they will be forced to cut voter education initiatives and poll-worker training programs, and reduce the amount of new equipment purchases.

Myth #4: States received \$4,000 per machine to replace old lever and punch card voting equipment.

Fact: States received \$4,000 for each *precinct* that used the equipment in the November 2000 election, if they agreed to replace them with something other than lever or punch card equipment.

Myth #5: According to the law, all voting equipment must produce paper receipts, or printed versions of ballots, that voters view and check for accuracy before votes are cast.

Fact: HAVA requires only that states use voting systems that can produce audit trails, which should not be confused with a voter-verified paper trail. An audit trail is a paper printout of votes cast which is used by election officials to cross check electronically tabulated totals, but is not reviewed by the voter. The audit trail is typically housed in the inner workings of the machine and may resemble an adding machine tape. Some

electronic voting machines store the audit trail electronically and allow it to be printed on a separate printer.

Common Misconceptions about Election Reform in Indiana

Myth #1: According to HAVA, provisional ballots should be counted even if they are not cast in the correct precinct.

Fact: The law allows states to determine under what conditions provisional ballots will or will not count. Twenty-six states, including Indiana, require that the ballot be cast in the voter's correct precinct in order for it to be counted.

Myth #2: States that count the largest number of provisional ballots have the most accurate election results.

Fact: Provisional ballots are often referred to as a kind of "last resort" method of voting. A voter whose name does not appear on the precinct's list of registered voters or whose right to vote in the precinct is challenged may request a provisional ballot. Provisional ballots are kept separate from other ballots and the appropriate county election board decides whether or not they should be counted.

Typically, the more accurate the state's voter registration database is, the fewer provisional ballots are needed. And fewer provisional ballots cast means less potential for voter fraud. Indiana has one of the lowest rates of provisional ballots cast in the nation largely due to the state's comprehensive poll worker training program. Poll workers are taught never to turn a voter away from the polls, but use provisional ballots only as a last resort.

Myth #3: The state is responsible for ensuring that each county takes delivery of its new voting equipment by a certain date.

Fact: The Indiana Board of Elections provided the counties with a list of voting systems certified for use in the state. The counties were then given the opportunity to select the voting equipment of their choice from the list, and they were given federal money to pay for the machines. The counties are responsible for finalizing their agreements with vendors and scheduling delivery of the equipment.

Myth #4: The HAVA-mandated statewide voter registration system will allow election officials to release voters' personal information, including addresses, birthdates and social security numbers.

Fact: Indiana is one of many states with laws that clearly identify what information may be accessed and distributed by election officials. Election officials are prohibited from releasing personal data like a voter's address, telephone number, voting history or social security number, except under very limited, specific conditions.